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09/526,910	03/16/2000	Hoyt A. Fleming, III	108298610US	1414

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EXAMINER

AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2171

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DATE MAILED: 01/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/526,910

**Applicant(s)**

FLEMING, III ET AL.

**Examiner**

Sana Al-Hashemi

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 52-73, 75 and 76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 52-73, and 75-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

**Claim Status: 52-73, 75, and 76, are rejected. Claim 74 is canceled**

Applicant's arguments filed 1/9/2004 have been fully considered but they are not persuasive.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 52-73, 75, and 76 are rejected under 35 U.S.C. 102(e) as being anticipated by Abecassis (US Patent No. 6,289,165).

1. Regarding Claim 52, Abecassis discloses a method of controlling reproduction of an audiovisual work comprising

receiving rating input comprising a selection of one of a plurality of rating choices (see Fig. 1 A, B and C, Abecassis);

reviewing an audiovisual work on a first storage medium (see Fig. 1, step 103, Abecassis) to determine if the first storage medium includes a rated version of the audiovisual work which bears a predetermined relationship to the rating input (see 5, lines 1-12, Abecassis); and

if the first storage medium includes the rated version, playing the first version(see column 5, lines 13-15, Abecassis); or

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if the first storage medium does not include the rated version (see column 5, lines 15-17, Abecassis);

accessing a database stored on a second storage medium (see Fig. 1, step 104, Abecassis), the database containing, for each of the plurality of rating choices, a secondary database comprising information identifying at least a portion of a scene of the work having an assigned content ratings level which bears a predetermined relationship to the rating choices (see column 5, lines 22-28, Abecassis); and

reproducing scenes of the work in accordance with the information in the secondary database corresponding to the rating input(see Fig. 4, column 9, lines 29-37, Abecassis).

2. Regarding Claim 53, Abecassis discloses a method wherein the act of accessing includes reading the database from the second storage medium (see column 5, lines 38-65, Abecassis<sup>1</sup>).

3. Regarding Claim 54, Abecassis discloses a method wherein the second storage medium comprises a storage medium of a server and the act of accessing comprises:

establishing a connection to the server and downloading the secondary database corresponding to the rating input into a controller which controls reproduction of the work, the controller using the information in the downloaded secondary database to control reproduction of the work (see Fig. 1, step 121, Abecassis).

4. Regarding Claims 55, 56, 64, and 75, Abecassis discloses a method wherein the act of accessing includes establishing a dial-up connection or connection to an Internet server, whereby the connection is an Internet connection (see Fig. 1, step 102, column 6, lines 58-65, Abecassis).

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<sup>1</sup> Examiner interpreting the programming preferences as a database.

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5. Regarding Claim 57, 58, 67, and 68, Abecassis discloses a method wherein the act of accessing includes accessing a database containing data indicating which scenes of the work are to be reproduced (see Fig. 4, step 471, column 14, lines 54-61, Abecassis).

6. Regarding Claim 59, Abecassis discloses a method wherein receiving the rating input comprises receiving a screener's content ratings level (see Fig 5B, Abecassis).

7. Regarding Claims 60, 61, 62, 65, 66, 70, and 71, Abecassis discloses a method wherein the act of accessing includes accessing a database containing information identifying those scenes having a content ratings level which is less than or equal to the screener's content ratings level (see column 15, lines 46-60, Abecassis).

8. Regarding Claims 63, Abecassis discloses a method of controlling reproduction of an audiovisual work on a playback apparatus including a controller, comprising:

providing to the playback apparatus an audiovisual work prerecorded by a source on a first storage medium (see Fig. 2, Abecassis);

establishing a connection to a server containing a database that is stored on a server storage medium that is different from the first storage medium, the database containing, for each of a plurality of rating choices, a secondary database comprising information identifying a relationship at least a portion of a scene of the work and the rating choices having a content ratings level assigned by a screener who is a party other than the source, between at least a portion of the work and the rating choices (see Fig. 4, column 9, lines 29-37, column 12, lines 31-46, Abecassis);

receiving rating input specifying a rating choice (see column 9, lines 38-43, Abecassis);

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downloading the database into the controller of the playback apparatus (see Fig. 4, steps 411-413, column 12, lines 66-67, column 13, lines 1-3, Abecassis); and

reproducing scenes of the work with playback apparatus, the controller using the information in the downloaded secondary database to control reproduction of the work (see Fig. 2, Abecassis).

9. Regarding Claim 64, Abecassis discloses a method wherein the server is an Internet server and the act of establishing a connection comprises establishing an Internet connection.

10. Regarding Claim 69, Abecassis discloses a method wherein receiving the rating input comprising receiving the rating level input from a viewer (see column 8, lines 3-8, Abecassis).

11. Regarding Claim 72, Abecassis discloses a method wherein the viewer is the screener (see Fig. 4, step 451, column 14, lines 20-25, Abecassis).

12. Regarding claim 73, Abecassis discloses an apparatus for controlling reproduction of an audiovisual work, the apparatus comprising:

an audiovisual reproduction unit adapted to read from a prerecorded audiovisual medium an audiovisual work prerecorded by a source on the prerecorded audiovisual medium (see Fig. 4, steps 461, 462, 471, 451, Abecassis);

a ratings input adapted to receive information assigning an assigned content rating level to at least a portion of the audiovisual work and to receive a playback content ratings level input by a viewer (see Fig. 2, step 203, Abecassis);

a connection to a server storage medium that is separate from the prerecorded audiovisual medium (see Fig. 4, step 471, Abecassis), the server storage medium including a database (see column 21, lines 3-19, Abecassis);

content ratings level which bears a predetermined relationship to the playback content ratings level (see Fig. 6A, Abecassis); and

a controller coupled to the audiovisual reproduction unit, the viewer input, and the connection to the server, the controller being programmed to a) store the assigned content rating level in the database via the connection to the server storage medium (see Fig. 5, <sup>2</sup>) and b) control the audiovisual reproduction unit to reproduce only the portions of the audiovisual work which have an assigned content ratings level which bears a predetermined relationship to the playback content ratings level (see Fig. 7D, steps 735, 736, 744, and 745, Abecassis).

13. Regarding Claims 76, Abecassis discloses an apparatus wherein the database contains ratings level information for all scenes of the work (see column 28, lines 43-53, Abecassis).

#### ***Response to Amendment***

Applicant argues Abecassis fails to disclose the “calls for a database that includes rating level-specific secondary database, which already correspond to specific rating choices. When a rating input identifies a specific rating choice, the secondary database that already corresponds to the selected rating choice may be used in reproducing the work.”

Examiner disagrees. Referring to Fig. 1, columns 7, and 8, lines 28-67, and 1-37 respectively, Abecassis does disclose rating level-specific which is stored on a programming preferences which is interpreted by examiner as a second database (see footnotes office action dated 5/16/03) when the system provide the users with different levels of rating corresponds to specific rating choices.

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<sup>2</sup> Examiner interprets the 622, 623 where the rating level stored is connected via connection to the 656.

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***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is (703) 305-4881. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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January 22, 2004

  
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